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FORMAL SUBMISSION OF:

- 1) **Reply Brief Under Board Rule 41.**

Title: METHOD AND SYSTEM FOR INTERACTIVE MULTIMEDIA
Serial No. 09/252,326
Filing Date: February 18, 1999
First Named Inventor: Mark G. PRESTOY
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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of:)
Mark G. PRESTOY)
Application No.: 09/252,326) Group Art Unit: 2614
Filed: February 18, 1999) Examiner: Annan Q. Shang
For: METHOD AND SYSTEM FOR) Confirmation No.: 4365
INTERACTIVE MULTIMEDIA)

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Sir:

REPLY BRIEF UNDER BOARD RULE 41

This Reply Brief is submitted in response to the Examiner's Answer dated May 3, 2006.

Because it is filed within two months from the date of the Examiner's Answer, this Reply Brief is timely filed.

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I. RESPONSE TO THE EXAMINER'S ARGUMENTS

In the Examiner's Answer, the Examiner: (1) maintains the rejection of claims 1, 4, 6, 11, 12, 17 and 20 under 35 U.S.C. § 102(e) as anticipated by Dewkett et al. (U.S. Patent No. 5,646,676); (2) maintains the rejection of claims 2, 18, and 26 under 35 U.S.C. § 103(a) as unpatentable over Dewkett et al. in view of Ehreth (U.S. Patent No. 6,286,142); (3) maintains the rejection of claims 3, 5, 10, 13, 15, 19, 23 and 24 under 35 U.S.C. § 103(a) as unpatentable over Dewkett et al. in view of Banks (U.S. Patent No. 6,139,197); (4) maintains the rejection of claims 7-9, 21, and 22 under 35 U.S.C. § 103(a) as unpatentable over Dewkett et al. in view of Hluchyi (U.S. Patent No. 6,151,325); (5) maintains the rejection of claims 14 and 25 under 35 U.S.C. § 103(a) as being unpatentable over Dewkett et al. in view of Banks and Cannon et al. (U.S. Patent No. 6,014,706); and (6) maintains the rejection of claim 16 under 35 U.S.C. § 103(a) as being unpatentable over Dewkett et al. in view of Banks and Fukui et al. (U.S. Patent No. 6,052,175).

Appellant presents the following Reply to the arguments set forth in the Examiner's Answer. To facilitate review by the Board, Appellant addresses the Examiner's arguments in the order in which they appear in Section 10 of the Answer.

A. Dewkett et al. Fails to Teach "A Plurality of Processors Configured to Stream a Plurality of Video Streams From One or More Video Titles Stored in [a] Set of Storage Devices, the Plurality of Processors All Having Concurrent Access to Said Set of Storage Devices For Concurrently Streaming the Plurality of Video Streams," as Recited in Claim 1, or "All Having Concurrent Access to the Same Set of Storage Devices for Concurrently Streaming the Plurality of Video Streams," as Recited in Claim 17.

The Examiner continues to attempt to read the host CPUs 101 of Dewkett et al. as the recited "plurality of processors." *See Examiner's Answer*, p. 4, l. 18. However, as pointed out in

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the Appeal Brief, the host CPUs 101 are not "configured to stream" video, as recited in claims 1 and 17. Rather, while

the host system (via one of the host CPUs) is required to handle movie start and stop commands[,] [t]he host system need not handle other commands used in the movie transmission, as they are entirely *processed by the MMC [(Multi-Media Controller)] associated with the MM [(Multi-Media)] pair performing the direct transmission of movie data* from the selected disk 107 to the requesting STB [(Set Top Box)] 109. Thus, with this invention, as shown in FIG. 1, the . . . CPUs [101] . . . of the host system are not used for MM data transmission, so that the host system is not constrained by any MM bandwidth problem.

Dewkett et al., col. 9, l. 63-col. 10, l. 7 (emphasis added); *see also id.*, col. 4, ll. 42-44.

Dewkett et al. uses multimedia controller (MMC) processors 401 to "control movie data transmission to the STB[s]." Id., col. 16, l. 48. "[T]he MMC processor can directly handle the processing needed to send a data block responding to the STB command *without involving the host system . . .*" Id., col. 6, ll. 8-11 (emphasis added). With this arrangement, "the data blocks in this transmission path [from disk 107 to STB 109] *do not pass through . . . the host computer system*, and their transmission is not affected by any bandwidth constraints in . . . [the] host system." Id., col. 5, ll. 60-63 (emphasis added).

To the Examiner, "it appears [that] applicant is interpreting a couple of sentences within . . . Dewkett et al. to imply that the plurality of CPUs 101 are not configured to stream video." Examiner's Answer, p. 4, ll. 16-17. However, Appellant submits that the statement, "the . . . CPUs [101] . . . of the host system are *not used for MM [(Multi Media)] data transmission*" (Dewkett et al., col. 10, ll. 4-5 (emphasis added)), is not subject to any other interpretation.

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Further, the Examiner also asserts that

the host CPUs “plurality of processors” . . . *controls any Multimedia Adapter 106* to retrieve the requested movie from any set of disk “set of storage devices” associated with the MM [(Multi-Media)] adapter 106 to concurrently stream movie requests to STBs (col. 9, lines 19-22, line 45-col. 10, line 2) [T]he plurality of [host] CPUs . . . are configured to *control any intermediate MMC of the MM adapter 106 to concurrently stream movies* to any STB based on the request . . .

Examiner's Answer, p. 4, l. 18, through p. 5, l. 9 (emphasis in original). Thus, even under the Examiner's interpretation of Dewkett et al., it is the MMC processors 401 and not the host CPU 101 that “concurrently stream movies” to the STBs.

However, the MMC processors 401 do not have “concurrent access” to the recited “set of storage devices,” as recited in claims 1 and 17. Instead, each MMC processor 401 has access to a selected subset of disks 107 through the disk adapters 303 controlled by the individual MMC processor 401. Dewkett et al., FIGS. 3 and 4; col. 4, ll. 41-44 and col. 10, l. 58-col. 11, l. 5. If there is not a copy of a requested movie on a disk accessible to the MMC pair 409 connected to the requesting STB, “then the movie must be replicated . . . by copying it from a disk *controlled by another MMC pair 409.*” Id., col. 17, ll. 60-63 (emphasis added); *see also id.*, col. 9, ll. 55-58 and col. 16, ll. 37-41.

Thus, contrary to the Examiner's assertions, Dewkett et al. does not show “a plurality of processors” that (1) are “configured to stream a plurality of video streams from one or more video titles stored in [a] set of storage devices” and (2) “hav[e] concurrent access to [the] set of storage devices for concurrently streaming the plurality of video streams,” as recited in claims 1 and 17. As explained, Dewkett et al. instead shows one set of MMC processors 401 that control

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movie data transmission to the STBs, and another set of host CPUs 101 that copy movies between the disks 107 that are accessible to the individual MMC processors 401.

For at least these reasons, Dewkett et al. does not teach each and every recitation of claims 1 and 17. Accordingly, the Examiner has not set forth a *prima facie* case of anticipation with respect to claims 1 and 17, and Appellant respectfully requests that the rejection of these claims under 35 U.S.C. § 102(e) be reversed and the claims allowed.

B. The Examiner's Rejections of Claims 4, 6, 11, 12 and 20 Likewise Lack Support in Dewkett et al.

The Examiner "maintains that for the same reasons set forth for claims 1 and 17, the rejections of claims 4, 6, 11, 12 and 20 . . . [as anticipated by Dewkett et al.] is proper, meets all the claimed limitations and should be sustained." Answer, p. 5, ll. 16-18. However, as explained in Section A, above, claims 1 and 17 are distinguished from Dewkett et al. Therefore, claims 4, 6, 11, 12, and 20 (which depend from one of claims 1 and 17) are likewise distinguished from Dewkett et al. for at least the same reasons as those set forth above for claims 1 and 17. Accordingly, Appellant respectfully requests that the rejection of claims 4, 6, 11, 12 and 20 under 35 U.S.C. § 102(e) be reversed and the claims allowed.

1. In an Attempt to Make Dewkett et al. Meet the Limitations of Claim 6, the Examiner Now Reads the "Plurality of Processors" on the MMC Processors 409, Rather Than the Host CPUs 101, Which Were Read as the "Plurality of Processors" in the Rejection of Claim 1

In the rejection of claim 6, the Examiner now reads the MMC processors 401 as "the plurality of processors." *See Final Office Action*, p. 8, ll. 7-9. However, "the plurality of processors" recited in the last line of claim 6 refers to the plurality of processors introduced in line 4 of claim 1, which the Examiner read on the host CPUs 101 of Dewkett et al. *See id.*, p. 7,

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ll. 2-5. As pointed out in Section VII(B)(1) of the Appeal Brief, the Examiner's reliance on distinct sets of processors in Dewkett et al. to read the same plurality of processors in the claims cannot be reconciled, yet the Examiner does not even address this inconsistency in the Answer.

In any case, Dewkett et al. does not anticipate claim 6 regardless of whether one attempts to read the host CPUs 101 or the MMC processors 409 as the recited "plurality of processors." The CPUs 101 of Dewkett et al. "are not used for [multimedia] data transmission" (Dewkett et al., col. 10, ll. 4-5), and thus do not run "a video server program for streaming ... video streams," as recited in claim 6. Moreover, as explained in Section A, above, the MMC processors 401 do not have "concurrent access to the same set of storage devices," as recited in claim 1 (from which claim 6 depends). Id., FIGs. 3 and 4, and col. 4, ll. 41-44.

Thus, contrary to the Examiner's assertions, Dewkett et al. also does not show "at least one of *the* plurality of processors running the video server program," as recited in claim 6 (emphasis added). For at least these additional reasons, Dewkett et al. does not teach each and every recitation of claim 6 and, accordingly, Appellant respectfully requests that the rejection of this claim under 35 U.S.C. § 102(e) be reversed and the claim allowed.

C. Ehreth Does Not Cure the Deficiencies of Dewkett et al.

The Examiner "maintains that for the same reasons set forth for claims 1 and 17, the rejections of claims 2, 18 and 26 ... [as unpatentable over Dewkett et al. in view of Ehreth] is proper, meets all the claimed limitations and should be sustained." Answer, p. 6, ll. 3-6. However, as explained in Section A, above, claims 1 and 17 are allowable over Dewkett et al. and, moreover, Ehreth does not cure the above-noted deficiencies of Dewkett et al.

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For at least these reasons, Dewkett et al. and Ehret, taken individually or in combination, do not establish a *prima facie* case of obviousness with respect to claims 2, 18, and 26. Accordingly, Appellant respectfully requests that the rejection of these claims under 35 U.S.C. § 103(a) be reversed and the claims allowed.

D. Banks Does Not Cure the Deficiencies of Dewkett et al.

The Examiner "maintains that for the same reasons set forth for claims 1 and 17, the rejections of claims 3, 5, 10, 13, 15, 19, 23 and 24 . . . [as unpatentable over Dewkett et al. in view of Banks] is proper, meets all the claimed limitations and should be sustained." Answer, p. 6, ll. 12-15. However, these claims depend, directly or indirectly, from one of claims 1 and 17. As explained in Section A, above, claims 1 and 17 are distinguished from Dewkett et al. and Banks is not relied upon to teach, and does not teach, the cited deficiencies of Dewkett et al.

For at least these reasons, neither Dewkett et al. nor Banks, nor their combination, teach all of the elements required by claims 3, 5, 10, 13, 15, 19, 23, and 24, and thus do not establish a *prima facie* case of obviousness. Accordingly, Appellant respectfully requests that the rejection of these claims under 35 U.S.C. § 103(a) be reversed and the claims allowed.

1. Banks Does Not Teach "An Encoder for Encoding Video and for Storing the Encoded Video in the Massively Parallel Video Server

With respect to claim 3, 13, 19 and 24, the Examiner admits that Dewkett et al. fails to teach "encoding the stored video" (Answer, p. 6, l. 20-p. 7, l. 1), but asserts that Banks teaches "a server 102 [that] encodes video" (id., p. 7, ll. 1-2). However, as explained in Section VII(D)(1) of the Appeal Brief, the encoder 106 of Banks does not store encoded video in a video server, as recited in claims 3 and 19, and does not describe the encoding of "real-time" video, as recited in claims 13 and 24. Rather, the encoder 106 reads the video from a storage device 124, encodes it,

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and transmits it to a client device 110 for display. *See Banks*, col. 3, ll. 47-50, and col. 4, ll. 3-7 and 65-67.

For at least these additional reasons, Dewkett et al. and Banks, taken individually or in combination, do not teach or suggest the recitations of claims 3, 13, 19, and 24, and thus do not establish a *prima facie* case of obviousness. Accordingly, Appellant respectfully requests that the rejection of these claims under 35 U.S.C. § 103(a) be reversed and the claims allowed.

2. The Combination of Dewkett et al. and Banks Does Not Teach "An Interactive Multimedia System, Comprising: a Massively Parallel Video Server," as Recited in Claim 1, and "Further Comprising a Web Server," as Recited in Claims 5, 10 and 15

With respect to claims 5, 10, 15 and 23, the Examiner relies on Banks as teaching "that interactive video server 102 can also be implemented as a web server[,] where a user can transmit requests of interact with the server to receive requested video or data." and asserts that "as such[,] the combination of Banks with Dewkett's interactive multi-media server system is proper." Answer, p. 7, ll. 15-18.

However, as pointed out in section VII(D)(2) of the Appeal Brief, Banks does not teach "[a]n interactive multimedia system, comprising: a massively parallel video server," as recited in claim 1, and "further comprising a web server," as recited claim 5. Rather, Banks teaches that "server 102 may be ... a web server." Banks, col. 3, l. 53. Thus, even assuming that it would have been obvious to the artisan to combine the teachings of Dewkett et al. and Banks (which Appellant does not admit), the combination would teach, at most, implementing the Dewkett et al. host CPU as a web server, and not the addition of a web server to Dewkett et al.

For at least these additional reasons, Dewkett et al. and Banks, taken individually or in combination, do not teach or suggest the recitations of claims 5 and 23, and thus do not establish

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a prima facie case of obviousness. Claims 10 and 15 depend from claim 5 and are thus distinguished from these references for at least the same reasons. Accordingly, Appellant respectfully requests that the rejection of claims 5, 10, 15, and 23 under 35 U.S.C. § 103(a) be reversed and the claims allowed.

E. Hluchyj Does Not Cure the Deficiencies of Dewkett et al.

The Examiner "maintains that for the same reasons set forth for claims 1 and 17, the rejections of claims 7-9, 21 and 22 . . . [as unpatentable over Dewkett et al. in view of Hluchyj] is proper, meets all the claimed limitations and should be sustained." Answer, p. 8, ll. 6-9. However, as explained in Section A, above, claims 1 and 17 are allowable over Dewkett et al. Further, Hluchyj is not relied upon to teach, and does not teach the above-noted deficiencies of Dewkett et al. Consequently, the rejection of claims 7-9, 21, and 22 is not supported by Dewkett et al. or Hluchyj, whether taken individually or in combination, and Appellant respectfully requests that the rejection of these claims under 35 U.S.C. § 103(a) be reversed and the claims allowed.

F. Cannon et al. Do Not Cure the Deficiencies of Dewkett et al. and Banks

The Examiner "maintains that for the same reasons set forth for claims 1 and 17 and claims 3 and 19 above, the rejections of claims 14 and 25 . . . [as unpatentable over Dewkett et al. in view of Banks and Cannon et al.] is proper, meets all the claimed limitations and should be sustained." Answer, p. 8, ll. 15-18. However, as explained in Section D(1), above, claims 1, 3, 17 and 19 are allowable over Dewkett et al. in view of Banks. Moreover, Cannon et al. does not supply the deficiencies of Dewkett et al. and Banks discussed above. Thus, for at least these reasons, Dewkett et al., Banks, and Cannon et al., taken individually or in

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any combination, fail to teach or fairly suggest the recitations of claims 14 and 25. Accordingly, Appellant respectfully requests that the rejection of claims 14 and 25 under 35 U.S.C. § 103(a) be reversed and the claims allowed.

G. Fukui et al. Does Not Cure the Deficiencies of Dewkett et al. in View of Banks

The Examiner "maintains that for the same reasons set forth for claim 5 above, the rejections of claims 14 and 25 . . . [as unpatentable over Dewkett et al. in view of Banks and Fukui et al.] is proper, meets all the claimed limitations and should be sustained." Answer, p. 9, ll. 4-7. However, as explained in Section D(2), above, claim 5 is allowable over Dewkett et al. in view of Banks. Moreover, Fukui et al. does not cure the above-cited deficiencies of Dewkett et al. and Banks. Thus, for at least these reasons, Dewkett et al., Banks, and Fukui et al. fail to teach or fairly suggest the recitations of claim 16, whether taken individually or in any combination, and Appellant respectfully requests that the rejection of claim 16 under 35 U.S.C. § 103(a) be reversed and the claim allowed.

II. CONCLUSION

For the reasons given above, the Examiner has failed to establish that the cited references teach each and every element of the claims rejected under 35 U.S.C. § 102. The Examiner has also failed to establish a *prima facie* case of obviousness for the claims rejected under 35 U.S.C. § 103. Accordingly, Appellants respectfully request the Board of Patent Appeals and Interferences to reverse the Examiner's rejection of claims 1 through 26.

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If any fees are due in connection with this Reply Brief which are not enclosed herewith, including any fees required for an extension of time under 37 C.F.R. § 1.136, please charge such fees to our Deposit Account No. 07-2347.

Respectfully submitted,

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By: 

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